



COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

| COUNCIL MEMBERS | REDEVELOPMENT AGENCY |
|-------------------------------|-----------------------------|
| Dennis Kennedy, Mayor | Dennis Kennedy, Chair |
| Steve Tate, Mayor Pro Tempore | Steve Tate, Vice-Chair |
| Larry Carr, Council Member | Larry Carr, Agency Member |
| Mark Grzan, Council Member | Mark Grzan, Agency Member |
| Greg Sellers, Council Member | Greg Sellers, Agency Member |

WEDNESDAY, FEBRUARY 2, 2005

AMENDED AGENDA

JOINT MEETING

CITY COUNCIL SPECIAL AND REGULAR MEETING

and

REDEVELOPMENT AGENCY SPECIAL MEETING

5:30 P.M.

A Special Meeting of the City Council and Redevelopment Agency is Called at 5:30 P.M. for the Purpose of Conducting an Urban Limit Line Workshop and Closed Sessions.

Dennis Kennedy, Mayor/Chairman

CALL TO ORDER

(Mayor/Chairperson Kennedy)

ROLL CALL ATTENDANCE

(City Clerk/Agency Secretary Torrez)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(City Clerk/Agency Secretary Torrez)

5:30 P.M.

City Council Action

WORKSHOP:

| | Time Estimate | | Page |
|-----------|----------------------|--|-------------|
| 1. | 60 Minutes | <u>URBAN LIMIT LINE/GREENBELT STUDY WORKSHOP</u> | 1 |
| | | <u>Recommended Action(s):</u> | |
| | | 1. <u>Review</u> the Final Draft of the Urban Limit Line/Greenbelt Study Advisory Committee Report; and | |
| | | 2. <u>Authorize</u> the Advisory Committee to Conduct a Public Meeting to Solicit Community Input and Finalize Their Recommendations. | |

6:30 P.M.

City Council Action and Redevelopment Agency Action

CLOSED SESSION:

- 1.**
CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
Authority: Government Code Sections 54956.9(b) & (c)
Number of Potential Cases: 4
- 2.**
PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Authority: Government Code 54957
Public Employee Performance Evaluation: City Attorney
Attendees: City Council

OPPORTUNITY FOR PUBLIC COMMENT

ADJOURN TO CLOSED SESSION

RECONVENE

CLOSED SESSION ANNOUNCEMENT

7:00 P.M.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

Future Business Leaders of America Week
Elaine Lui and Tiffany Schyuan

PRESENTATION

Criterium Cycling Event

Tom Simpson, Principal of Pilarcitos Cycle Sports

CITY COUNCIL REPORT

Council Member Sellers

CITY COUNCIL SUB-COMMITTEE REPORTS

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT

OTHER REPORTS

PUBLIC COMMENT

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.

(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME
THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND
PRESENT IT TO THE CITY CLERK.**

(See notice attached to the end of this agenda.)

**PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE
CITY CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY
COUNCIL/REDEVELOPMENT AGENCY.**

City Council Action

CONSENT CALENDAR:

ITEMS 2-13 The Consent Calendar may be acted upon with one motion, a second and the vote, by each respective Agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

Time Estimate

Page

Consent Calendar: 1 - 10 Minutes

2. **INVENTORY PURCHASE FOR AQUATICS CENTER**..... 5
Recommended Action(s): **Appropriate** Funding in the Amount of \$40,000 for Aquatic Resale Purchases to be Financed by \$40,000 in Estimated Retail Sales.
3. **APPROVAL OF ADDITIONAL APPROPRIATION FOR EQUIPPING BUTTERFIELD
BOULEVARD WATER WELL**..... 9
Recommended Action(s): **Approve** Appropriation of \$100,000 From the Current Year Unappropriated Water Impact Fund (651) Balance to Augment Funding for this Project.

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| | Time Estimate | Page |
| | Consent Calendar: 1 - 10 Minutes | |
| 4. | <u>APPROVAL OF REAL PROPERTY ACQUISITION AGREEMENT FOR NEW WELL EASEMENT</u> | 13 |
| | <u>Recommended Action(s):</u> | |
| | 1. <u>Approve</u> Acquisition of a Well Easement; and | |
| | 2. <u>Authorize</u> the City Manager to Execute a Real Property Acquisition Agreement with the Owner of APN 726-27-127, Subject to Review and Approval as to Form by the City Attorney. | |
| 5. | <u>SECOND QUARTER REPORT ON 2004-2005 WORKPLAN</u> | 17 |
| | <u>Recommended Action(s):</u> <u>Accept</u> Report. | |
| 6. | <u>AMENDED RESOLUTION AUTHORIZING THE SANTA CLARA COUNTY DEPARTMENT OF AGRICULTURE AND RESOURCE MANAGEMENT TO ABATE WEEDS</u> | 35 |
| | <u>Recommended Action(s):</u> <u>Adopt Amended</u> Resolution Authorizing the Santa Clara County Department of Agricultural and Resource Management to Abate Weeds. | |
| 7. | <u>ADOPT ORDINANCE NO. 1708, NEW SERIES</u> | 51 |
| | <u>Recommended Action(s):</u> <u>Waive</u> the Reading, and <u>Adopt</u> Ordinance No. 1708, New Series, and <u>Declare</u> That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING A DEVELOPMENT AGREEMENT FOR APPLICATION MP-03-04: COCHRANE-BORELLO. (APN 728-34-007) (DA-04-06: COCHRANE-BORELLO). | |
| 8. | <u>ADOPT ORDINANCE NO. 1709, NEW SERIES</u> | 57 |
| | <u>Recommended Action(s):</u> <u>Waive</u> the Reading, and <u>Adopt</u> Ordinance No. 1709, New Series, and <u>Declare</u> That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING AN AMENDMENT TO THE MORGAN HILL MUNICIPAL CODE INCORPORATING CHAPTER 18.17 ESTABLISHING AN R-4 HIGH DENSITY RESIDENTIAL DISTRICT. | |
| 9. | <u>ADOPT ORDINANCE NO. 1711, NEW SERIES</u> | 65 |
| | <u>Recommended Action(s):</u> <u>Waive</u> the Reading, and <u>Adopt</u> Ordinance No. 1711, New Series, and <u>Declare</u> That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL AMENDING THE ZONING DESIGNATION ON TWO SEPARATE AREAS TOTALING 7.07 ACRES WITHIN THE DOWNTOWN AREA AS DEFINED IN THE DOWNTOWN PLAN. | |
| 10. | <u>ADOPT ORDINANCE NO. 1712, NEW SERIES</u> | 71 |
| | <u>Recommended Action(s):</u> <u>Waive</u> the Reading, and <u>Adopt</u> Ordinance No. 1712, New Series, and <u>Declare</u> That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING TEXT AMENDMENTS TO THE MORGAN HILL MUNICIPAL CODE CHAPTER 18.50 OFF-STREET PARKING AND PAVING STANDARDS. | |

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| | Time Estimate | Page |
| | Consent Calendar: 1 - 10 Minutes | |
| 11. | <u>ADOPT ORDINANCE NO. 1713, NEW SERIES, AS AMENDED</u> <u>Recommended Action(s):</u> <u>Waive</u> the Reading, and <u>Adopt</u> Ordinance No. 1713, New Series, As Amended, and <u>Declare</u> That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL AMENDING THE ZONING DESIGNATION FROM ML, LIGHT INDUSTRIAL TO CO, ADMINISTRATIVE OFFICE FOR ONE PARCEL TOTALING 1.45 ACRES LOCATED AT THE NORTHWEST CORNER OF TENNANT AVENUE AND CAPUTO DRIVE. (APNS 817-29-027) | 75 |
| 12. | <u>APPROVE SPECIAL CITY COUNCIL COYOTE VALLEY SOUTH COUNTY STAKEHOLDERS WORKSHOP MINUTES FOR JANUARY 12, 2005</u> | 81 |
| 13. | <u>MID-YEAR 2004-2005 BUDGET ADJUSTMENTS</u> <u>Recommended Action(s):</u> <u>Approve</u> Proposed Mid-Year Budget Adjustments for FY 2004-2005. | 85 |

City Council and Redevelopment Agency Action

CONSENT CALENDAR:

ITEMS 14 - 15

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| | Time Estimate | Page |
| | Consent Calendar: 1 - 10 Minutes | |
| 14. | <u>IMPROVEMENT AGREEMENTS AND SUBDIVISION AGREEMENTS INSURANCE REQUIREMENTS</u> <u>Recommended Action(s):</u> <u>Acting as the Redevelopment Agency Board:</u> 1. <u>Grant</u> to South County Community Builders, for the Viale Project, an Amount, not to Exceed \$21,000, Necessary to Reimburse South County Community Builders for the Incremental Cost of Purchasing a Liability Insurance Endorsement that would Extend Coverage for “Completed Operations” or “Your Work” to the City of Morgan Hill as an Additional Insured, so that South County Community Builders may meet the Requirements of its Subdivision Improvement Agreement with the City; and <u>Acting as the City Council:</u> 2. <u>Amend</u> the Improvement Agreements and Subdivision Improvement Agreements Insurance Policy as Described in the Staff Report. | 89 |
| 15. | <u>APPROVE SPECIAL AND REGULAR CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES FOR JANUARY 19, 2005</u> | 91 |

City Council Action (continued)

CONSENT CALENDAR:

ITEMS 16 - 17

| | Time Estimate | | Page |
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| | Consent Calendar: 1 - 10 Minutes | | |
| 16. | <u>AWARD OF MAINTENANCE CONTRACT FOR SANITARY SEWER ROOT ABATEMENT PROJECT</u> | | 131 |
| | <u>Recommended Action(s):</u> | | |
| | 1. <u>Award</u> Maintenance Contract to Pacific Sewer Maintenance Corporation for the Sewer Root Abatement Project in the Amount of \$144,750; | | |
| | 2. <u>Approve</u> 5% Construction Contingency Funding of \$7,250; and | | |
| | 3. <u>Appropriate</u> From the Current Year Unappropriated Sewer Capital Fund (643) Balance a Total of \$152,000. | | |
| 17. | <u>ADOPT ORDINANCE NO. 1710, NEW SERIES</u> | | 135 |
| | <u>Recommended Action(s):</u> <u>Waive</u> the Reading, and <u>Adopt</u> Ordinance No. 1710, New Series, and <u>Declare</u> That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL AMENDING THE ZONING DESIGNATION ON 11.13 ACRES WITHIN THE DOWNTOWN AREA AS DEFINED IN THE DOWNTOWN PLAN AS THE AREA LOCATED BETWEEN THE SOUTH SIDE OF EAST CENTRAL AVENUE AND NORTH OF EAST MAIN AVENUE, BETWEEN MONTEREY ROAD AND THE RAIL ROAD TRACKS. (APNS 726-23-001 THRU 015). | | |

Redevelopment Agency Action

OTHER BUSINESS:

| | Time Estimate | | Page |
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| 18. | 10 Minutes | <u>QUARTERLY REPORT FROM THE CHAMBER OF COMMERCE ECONOMIC DEVELOPMENT PARTNERSHIP</u> | 141 |
| | | <u>Recommended Action(s):</u> <u>Accept</u> Report. | |

City Council Action

OTHER BUSINESS:

| | Time Estimate | | Page |
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| 19. | 15 Minutes | <u>SWIM TEAM RESERVATION POLICIES AT THE AQUATICS CENTER</u> | 149 |
| | | <u>Recommended Action(s):</u> <u>Approve</u> Policies Establishing Reservation Procedures for Lane Space at the Aquatics Center. | |

OTHER BUSINESS:

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| 20. | 5 Minutes | <u>AUTHORIZE APPLICATION TO MORGAN HILL AQUATIC CENTER, INC. FOR SUBSIDY FUNDING OF SWIM TEAM LANE USE</u> | 159 |
| | | Recommended Action(s): <u>Direct</u> Staff to Submit an Application to Morgan Hill Aquatic Center, Inc. for Subsidy Funding in Support of Swim Team Lane Use. | |
| 21. | 10 Minutes | <u>WATER CONSERVATION ACTIVITY REPORT AND APPROPRIATION</u> | 161 |
| | | Recommended Action(s): | |
| | | 1. <u>Direct</u> Staff to Prepare Public Bid Documents for the Construction of a Demonstration Water Conservation Garden at City Hall; and | |
| | | 2. <u>Appropriate</u> \$13,000 From Unappropriated Fund Balance in Water Operations Fund (650) for a Transfer to the Parks Development Fund for the Development of Construction Documents for the Demonstration Water Conservation Garden Project, CIP #126005, and <u>Appropriate</u> \$13,000 into the Parks Development Fund (301). | |
| 22. | 10 Minutes | <u>INDIAN TRIBE DEVELOPMENT PROPOSALS</u> | 171 |
| | | Recommended Action(s): <u>Consider</u> Policy Issues and <u>Provide</u> Direction for Continued Staff and Council Involvement. | |
| 23. | 15 Minutes | <u>EVALUATION OF SYSTEM OF COMMITTEES AND COMMISSIONS</u> | 175 |
| | | Recommended Action(s): | |
| | | 1. <u>Consider</u> the Report and Recommendations; | |
| | | 2. <u>Request</u> the Library Commission and the Parks and Recreation Commission to Comment on the Suggestions for Modifications in Their Scope of Responsibility; and | |
| | | 3. <u>Request</u> All Citizen Commissions to Prepare Work Plans for Consideration during the Annual Budget Process. | |
| 24. | 10 Minutes | <u>REVIEW OF CITY COUNCIL COMMITTEES AND APPOINTMENTS TO OUTSIDE AGENCIES (Continued from 1/19/05)</u> | 189 |
| | | Recommended Action(s): | |
| | | 1. <u>Review</u> the Current List of Assignments and Appointments and Make Suggested Changes to the Mayor; | |
| | | 2. Mayor to <u>Appoint</u> Council Members to Serve on the Various Council Committees and Outside Agencies, Subject to City Council Approval; and | |
| | | 3. <u>Direct</u> the City Clerk to Notify the Appropriate Agencies of Amended Assignments. | |

FUTURE COUNCIL-INITIATED AGENDA ITEMS:

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

ADJOURNMENT